

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DONALD WILLIAMS,

Plaintiff,

-vs-

CITY OF CHICAGO, P.O. RONALD WRIGHT,
and P.O. RONALD MALCZYNSKI,

Defendants.

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No. 08 CV ____

(jury demand)

FILED: APRIL 10, 2008

08CV2051 NF

JUDGE KOCORAS

MAGISTRATE JUDGE ASHMAN

COMPLAINT

Plaintiff, by counsel, alleges as follows:

1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343 and 28 U.S.C. §1367.
2. Plaintiff Donald Williams is a resident of the Northern District of Illinois.
3. Defendants Ronald Wright and Ronald Malczynski were at all times relevant acting under color of their authority as police officers of the City of Chicago; each is sued in his individual capacity.
4. Defendant City of Chicago is an Illinois municipal corporation joined in this action pursuant to 28 U.S.C. §1367 as the potential indemnifier of defendants Malczynski and Wright.
5. On November 6, 2007, plaintiff was lawfully standing in the bus stop at Madison and Lockwood in the City of Chicago when he was arrested by defendants Malczynski and Wright.

6. Defendants Malczynski and Wright did not have a lawful basis to arrest plaintiff.
7. Thereafter, defendants Malczynski and Wright caused plaintiff to be charged with a criminal offense.
8. At the time they caused plaintiff to be charged with a criminal offense, defendants Malczynski and Wright knew that plaintiff had not committed an offense; these defendants caused plaintiff to be charged with an offense by withholding exculpatory evidence from the prosecutor.
9. Plaintiff remained in custody until February 11, 2008 when the criminal case was resolved in his favor in a manner consistent with his innocence.
10. The above described actions of defendants Malczynski and Wright caused plaintiff to be subjected to a false arrest, contrary to rights secured by the Fourth Amendment, and to have been denied Due Process of Law, contrary to the Fourteenth Amendment when he was held in custody on the basis of the criminal charges which defendants Malczynski and Wright caused to be filed against plaintiff.
11. As a result of defendants' wrongful acts, plaintiff lost his job and his liberty for 96 days.
12. Plaintiff demands trial by jury.

WHEREFORE plaintiff prays that judgment be entered against defendants jointly and severally in an amount in excess of one hundred thousand dollars as compensatory damages and for appropriate punitive damages against defendants Malczynski and Wright.

/s/ Kenneth N. Flaxman

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